

#### REMARKS

Claims 8-34 are pending in this application. Claims 15-34 are withdrawn from consideration as being drawn to a non-elected invention, and claims 8-14 are rejected. By the present amendment claims 8-14 are amended, claims 15-34 are canceled without prejudice or disclaimer, and new claims 35-37 are hereby added. The amendments and new claims are fully supported by the application (see e.g., paragraphs 73, 33, 85, and 89), and add no new matter.

In view of the above-described amendments and following remarks, reconsideration of claims 8-14 and consideration of new claims 35-37 are respectfully requested.

#### Sequence Compliance

The specification is objected to for not containing sequence identifiers for all sequences disclosed therein. In addition, the sequence listing is objected to for containing sequences that are not encoded by or identical to the sequences shown in Figures 5 and 6, respectively. Applicants submit that the amendments to the specification and the corrected sequence listing that is attached hereto overcome the objection.

#### Drawings

The drawings are objected to as containing reference letters that are not described in the specification. Applicant submits that the drawings which are attached hereto overcome the objection. Applicant also submits that a black and white Figure 11 will not affect the patentability of the pending claims.

#### Specification.

Applicant submits that the amendment of paragraph 119 to remove the hyperlink overcomes the objection to the specification.

#### §112 Rejection.

Claims 8-13 are rejected under 35 USC §112, second paragraph "as being indefinite." (See Page 5 of the Office Action.) Applicants submit that the corrected sequence listing which is attached hereto in which SEQ ID NO: 4 is identical to the sequence disclosed in Figure 6 and is

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encoded by the sequence of SEQ ID NO: 3, which is identical to the sequence disclosed in Figure 5 overcomes the rejection.

Claims 8-12 and 14 are rejected under 35 USC §112, first paragraph "as failing to comply with the written description requirement." (See page 6 of the Office Action.) Applicant submits that the amendment of claim 8 to recite that the sequence of the protein is at least 90% identical to the full-length sequence of SEQ ID NO. 4, the amendment of claim 12 to remove the phrase "a sequence which hybridizes under highly stringent conditions to SEQ ID NO: 3", and the amendment of claim 14 to recite that the polynucleotide is at least 210 nucleotides in length and has a sequence that is identical to or complementary to a sequence extending from nucleotide nucleotide 25 through nucleotide 1581 of SEQ ID. NO. 3 overcomes the rejection.

#### §102 Rejections

Claims 8-10, 12 and 14 are rejected under 35 USC §102(e) as being anticipated by Brennan et al (US 5,985,551). Claims 8-12 and 14 are rejected under 35 USC §102(a) as being anticipated by GenBank Accession No. AC011508.1 Applicant submits that the amendment of claim 8 to recite that the sequence of the protein is at least 90% identical to the full-length sequence of SEQ ID NO. 4, and the amendment of claim 14 to recite that the polynucleotide is at least 210 nucleotides in length and has a sequence that is identical to or complementary to a sequence extending from nucleotide nucleotide 25 through nucleotide 1581 of SEQ ID. NO. 3 overcomes the rejection

In view of the above-described amendments and remarks, applicants submit that claims 8-14 as amended and new claims 35-37 are now in conditions for allowance. Prompt notice of such allowance is respectfully requested. If the Examiner has any questions regarding the amendments or remarks, he is asked to call Pamela A. Docherty, at (216) 622-8416.

Respectfully submitted,

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